JACKSONKELLY
ATTORNEYS AT LAW PLLC
1600 LAIDLEY TOWER • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

skropp@jacksonkelly.com

304/340-1199

January 9, 2007

Ms. Angela King
Environmental Planner
MARAMA
8600 LaSalle Road
Suite 636
Towson, MD 21286.

Re: Draft Reports "MANE-VU Modeling for Reasonable Progress Goals" and "Public Health Benefits of Reducing Ground-level Ozone and Fine Particle Matter in the Northeast U.S."

Dear Ms. King:

The Midwest Ozone Group (MOG) has reviewed the two draft reports, titled **"MANE-VU Modeling for Reasonable Progress Goals" and "Public Health Benefits of Reducing Ground-level Ozone and Fine Particle Matter in the Northeast U.S."** As you noted in your notice of opportunity for comment, both reports were prepared by NESCAUM on behalf of MANE-VU, with the reasonable progress report being dated December 10, 2007, and the public health benefits report being dated November 14, 2007. The draft reports are generally well written and informative; however MOG offers the following comments regarding each report:

MANE-VU Modeling for Reasonable Progress Goals

MOG notes that the modeling conducted by NESCAUM to predict the results of controls implemented by the MANE-VU states and states in neighboring RPOs projects that all Class I Areas in MANE-VU will experience visibility by 2018 that is well below the uniform glide slope generally accepted by EPA as demonstrating achievement of reasonable progress requirements under the EPA Regional Haze Rule (64 Fed. Reg. 35714, July 1, 1999). MOG congratulates MANE-VU on this achievement.

The foregoing achievement notwithstanding, the executive summary of the NESCAUM report states at page viii:

> "[a]n assessment of potential control measures that would address this future contribution has identified a number of promising

> strategies that would yield significant visibility benefits beyond the uniform rate of progress and, in fact, significantly beyond the projected visibility conditions that would result from "on the books/on the way" air quality protection programs. These "beyond on the way" measures include the adoption of low sulfur heating oil, implementation of Best Available Retrofit Technology (BART) requirements, and additional electric generating unit (EGU) controls on select sources. The combined benefits of adopting all of these programs could lead to an additional benefit of between 0.38 and 1.1 deciviews at MANE-VU Class I areas on the 20 percent worst visibility days by 2018."

MOG submits that requiring the implementation of control strategies that result in visibility improvement beyond the improvement necessary to meet the uniform glide slope is neither necessary under the Regional Haze Rule nor an efficient use of resources. MOG therefore urges MANE-VU to accept the benefits of on the books control strategies, many of which not yet fully implemented and that result in attainment of reasonable progress as defined by EPA, rather than continue to press for implementation of additional control strategies that are simply unnecessary to comply with the Regional Haze Rule and, more importantly, strain an already unstable national economy.

Public Health Benefits of Reducing Ground-level Ozone and Fine Particle Matter in the Northeast U.S

The executive summary of this NESCAUM report states at page ix:

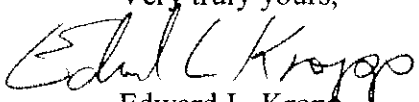
> The analysis showed that there are significant monetized health benefits in going beyond a revised ozone national ambient air quality standard (NAAQS) of 0.075 ppm, which is the upper end of EPA's range for its proposed ozone NAAQS revision (0.070 ppm – 0.075 ppm). Rolling back to a NAAQS of 0.075 ppm after CAIR+ gave an estimate of 27 to 142 avoided premature deaths over the 2018 ozone season in the OTR. When added to the benefits from avoided morbidity endpoints, we estimated monetary benefits of 192 to 918 million dollars over the 2018 ozone season. By contrast, adopting an ozone NAAQS of 0.070 ppm (i.e., the upper limit of the range recommended by the Clean Air Scientific Advisory Committee (CASAC)) increases the mortality benefits with an estimated 43 to 220 avoided premature deaths in the OTR over the 2018 ozone season. When added to the benefits from avoided morbidity endpoints, we estimate an additional monetary benefit of 107 to 498 million dollars beyond a 0.075 ppm standard (total benefit of 300 million to 1.4 billion dollars after CAIR+). Finally, adopting an ozone NAAQS at the lower end of the CASAC recommended range, 0.060 ppm, results in an increased estimate of 84 to 407 avoided premature deaths in the OTR over

the 2018 ozone season. Compared to the 0.075 ppm scenario, the modeling indicates that a NAAQS set at 0.060 ppm could net almost twice the monetary benefits by providing 394 million dollars to 1.7 billion dollars beyond a 75 ppb standard (total benefit of 530 million to 2.6 billion dollars after CAIR+)

MOG believes that the metrics used by NESCAUM in this study to monetize the health benefits of the ozone NAAQS are outdated and are not representative of the actual economics associated with a revision of the ozone NAAQS. A recent study in the European Union has concluded that excess mortality is simply not an accurate metric based on mortality data in the EU, whereas loss of life expectancy (i.e., reduced life span) is an appropriate metric. See "Interpretation of Air Pollution Mortality: Number of Deaths or Years of Life Lost?," Ari Rabl, Centre d'Energe' tique, Ecole des Mines de Paris, France, *J. Air & Waste Manage. Assoc.*, 53:41–50, January, 2003. This technical paper examines indicators for the mortality impacts of air pollution, showing that the frequently cited number of deaths is not appropriate, whereas reduced life expectancy is. Specific numbers are calculated, suggesting that a life expectancy gain of approximately four months might be a reasonable goal for the reduction of air pollution in the EU and the United States in the foreseeable future. Notably, the economics associated with loss of life expectancy calculations result in far lower monetary values that might be associated with any reduction in the ozone NAAQS. MOG believes that this research is more indicative of reality and submits that the NESCAUM work using the EPA BenMAP tool presents an unrealistic estimate of the benefits of a reduction in the ozone NAAQS.

MOG appreciates the opportunity to comment on this draft report. If you have any questions or need clarification regarding any of the comments we are providing, please contact me at your convenience.

Very truly yours,



Edward L. Kropp
Midwest ozone Group